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# High Water

## FLOODPLAIN MANAGEMENT SECTION

449-2864

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***"the Floodplain Administrator, the DES Coordinator, and local governing bodies must first get together."***

It's FLOOD season! The weather can do just about anything this time of the year, as we all know. We've had a very mild winter in Montana. The snowpack in the mountains appears to be below normal and most of the snow in the lower elevations is already gone.

Does this sound familiar? These conditions are very similar to those before the spring flooding of 1981. We aren't saying that it's going to flood, but we are reminding you that the weather is unpredictable.

With uncertain spring weather ahead, communities should prepare for the possibility of flooding. In March, Tim Pool, who is DNCR's coordinator for the National Floodplain Insurance Program, gave a presentation to the County Disaster and Emergency Services (DES) Coordinator's conference, emphasizing this need for preparedness. He pointed out that the DES Coordinators need to use their expertise to develop workable post-disaster plans, working with local floodplain administrators who have the necessary flood hazard data.

To accomplish such plans, the Floodplain Administrator, the DES Coordinator, and local governing bodies must first get together and list the flood hazard areas that can be affected, and what services will be responding.

Some of the hazards that can result from flooding are: debris hang-up, plugged culverts, bridge washout, road closure, and erosion. Using the available flood hazard mapping, the roads and streets that are likely to be inundated can be identified; locations of homes, as well as schools, commercial structures, and other public structures that may be affected can be recorded.

Other listings would include: what local, state, and federal services will be available to respond in case of a flood; the contact people and how to reach them; what equipment, supplies, and personnel will be needed and will be available. A CLEAN WATER SUPPLY AND A RELIABLE POWER SUPPLY MUST BE PROVIDED.

These are important factors that must be addressed in order to be prepared for a flood alert. The State Disaster and Emergency Services Office and the Floodplain Management Section of DNRC can supply local administrators and DES Coordinators with information that will help in the development of these plans..

They can be contacted at:

Dept. of Military Affairs  
Disaster and Emergency Services Division  
1100 North Last Chance Gulch  
Helena, MT 59620  
(406) 449-3034

Dept. of Natural Resources and Conservation  
Floodplain Management Section  
32 South Ewing  
Helena, MT 59620  
(406) 449-2864

***"Lending institutions also share some of the responsibility of the National Flood Insurance Program."***

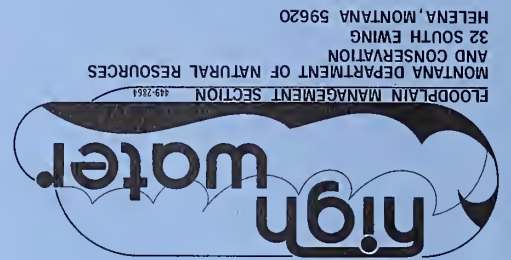
## NFIP REGULATIONS FOR LENDERS

In past issues of "High Water" we have discussed the floodplain management responsibilities of the local political subdivision. Lending institutions such as banks, savings and loans, and credit unions also share some of the responsibility of the National Flood Insurance Program. There are steps that lenders must follow according to federal regulations before they may grant a loan for the purchase or improvement of property.

1. The lender must determine from the community's Flood Hazard Boundary Map or Flood Insurance Rate Map whether the property is located in a flood prone area or will be located in one (in the case of a mobile home). When lending institutions carry mortgages on mobile homes they are obligated to require flood insurance for those mobile homes that are moved from their original locations.







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2. If the property is in a flood hazard area and the community is in the NFIP, the lender must notify the borrower, in writing, of the flood hazard a reasonable time (10 days) before closing the loan. The lender should also receive written acknowledgment from the borrower of receipt of such notice.
3. Flood insurance must be purchased by the borrower for either the amount of the loan or the maximum amount available, whichever is less. Proof of purchase of flood insurance must be obtained before closing the loan. This requirement affects any federally insured or guaranteed loan, conventional loans made through second mortgages, and FHA, VA and SBA loans or grants.

At the present, we are encouraging FEMA to hold training seminars for insurance agents and lenders. Their knowledge can help make the job of local floodplain administrators easier. If there is a need for training these people in your community, let us know and we will try to coordinate a training seminar for your area.

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***“The Natural Streambed and Land Preservation Act of 1975 is a law whose jurisdiction works in correlation with that of floodplain management.”***

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## ABOUT “310” PERMITS . . .

The Natural Streambed and Land Preservation Act of 1975, administered by local Conservation Districts (CDs), is a law whose jurisdiction works in correlation with that of floodplain management. A “310” permit is required for projects proposed by anyone other than governmental agencies within the ordinary high water mark of a perennial flowing stream. The ordinary high water mark, for purposes of this law, is the line which water impresses

on the soil by covering it for sufficient periods of time to deprive the soil of its vegetation and destroy its value for agricultural purposes. This can include everything within the banks of a stream.

A person planning to engage in a project must make application for a “310” permit to the Board of Supervisors of the local Conservation District before any portion of the project takes place. Projects falling under CD jurisdiction include: channel changes; new diversions, riprap and other streambank protection projects; jetties; new dams and reservoirs; or commercial, industrial, and residential development.

Some of the items that may be considered before granting a “310” permit include the purpose, necessity, and justification of a proposed project; whether the project is a reasonable means of accomplishing the purpose; whether there are reasonable modifications or alternative solutions that would reduce disturbance of the stream and still accomplish the purpose; whether the project will interfere with public or private property, such as creating harmful flooding or erosion problems upstream or downstream. Reasonable efforts must be made to minimize the amount of a stream channel alteration, insure the project will be as permanent a solution as possible and pass anticipated streamflows, minimize effects on fish habitat, and minimize turbidity or water pollution problems. The Board of Supervisors may impose other conditions that are not mentioned here.

Local floodplain administrators are encouraged to refer applicants for floodplain development permits to their local Conservation Districts whenever a “310” permit may be required.

### Floodplain Management Section Staff:

John Hamill, Supervisor  
Cindy Forgey, Technician/Clerk  
Tim Pool, Coordinator, NFIP

